1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 OAKLAND DIVISION 7 8 Case No. C 04-01221-PJH-JCS NIKKI POOSHS, 9 PROPOSED ORDER RE: PAGELINE Plaintiff, **DESIGNATIONS AND OBJECTIONS** 10 [DR. FIGLAR] vs. 11 ALTRIA GROUP, INC., et al. 12 Judge: Honorable Phyllis J. Hamilton Defendants. 13 14 15 The Court has reviewed the parties January 21, 2015 Joint Submission regarding the page 16 and line designations, counter designations and objections to the deposition of Dr. James Figlar 17 taken on June 8, 2011 (Vol. I); June 9, 2011 (Vol. II); June 10, 2011 (Vol. III.); August 15, 2011 18 (Vol. VI.); and August 16, 2011 (Vol. VII.). The Courts rulings are as follows: 19 20 21 Testimony Defendant's Objections A Court's Ruling Taxas Dr. James Eiglar, 6/8/2011 (Yok 1) 22 8:10-12 No objection 9:5-12 No objection 23 15:6-19 No objection 27:12-27:22 No objection 24 Asked and Answered (See 27:12-22); Misleading; 27:23-29:2 sustained sustained Unfair Prejudice; Argumentative; Repetitive; Post-25 Asked and Answered (See 27:12-22); Misleading; 29:5-30:16 26 Unfair Prejudice: Argumentative; Repetitive; Post-27 Beyond the scope; Vague; Ambiguous; Lack of 35:23-36:1 Foundation; Argumentative; Speculative; Design

Defect No Longer At Issue In This Case

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CASE NO. C 04-01221-PJH-JCS

Testimony Testimony	Defendant's Objections	(Court's Ruling
	Dr. James Figlar, 6/8/2011 (Vol. 1)	
36:6-25	Beyond the scope; Calls for Legal Conclusion;	
	Vague: Ambiguous; Argumentative; Speculative;	
	Unfair Prejudice and calculated to inflame jury;	
	Williams/State Farm (Nexus/harm to others); Design	
	Defect No Longer At Issue In This Case;	overrule
	Ammoniation/Additives	
39:4-16	Beyond the scope; Calls for a legal conclusion;	sustane
32,4-10	Vague, Ambiguous and overbroad; Argumentative;	ħ
	Unfair Prejudice; Williams/State Farm (Nexus/harm	Custano
	to others); Non-testimony material	3000 1000
41:5-42:4	No objection	
42:6-12	No objection	
42:14-16	No objection	
42:19-43:23	No objection	
46:7-24	No objection	
48:1-51:12	No objection	
52:8-53:5	No objection	
55:25-56:6	No objection	
56:11	No objection	
56:13-18	No objection	
57:25-59:11	No objection	
59:21-61:11	No objection	
61:17-24	No objection	
62:8-20	No objection	<u> </u>
62:22-23	No objection	
62:25-63:13	No objection	
63:16-63:16	No objection	
63:18-63:18	No objection	
63:24-64:7	No objection	
65:5-66:3	No objection	
66:13-16	No objection	
67:7-17	No objection	
71:10-20	No objection	
73:7-11	No objection	·
75:9-23	No objection	<u> </u>
76:1-15	No objection	
76:19-22	No objection	
76:24-77:5	No objection	
77:7-9	No objection	
77:11-78:8	No objection	
79:3-13	No objection	
80:11-12	No objection	
80:14-16	No objection	
80:19-81:14	No objection	
81:17-82:3	No objection	
82:5-11	No objection	
82:21-83:7	No objection	
84:13-25	No objection	
85:2-86:12	No objection	

	Dr. James Figlar, 6/8/2011i(Vol. 1)	
86:22-87:4	No objection	
88:6-89:22	No objection	
90:8-91:5	No objection	
91:24-92:2	Asked and Answered (see 91:2-5); Irrelevant; Unfair	sustaine
	Prejudice	- YUUNUINE
94:6-9	Irrelevant; Unfair Prejudice; Williams/State Farm	
	(nexus); Vague as to Time	SUSMINI
94:12-25	Irrelevant; Unfair Prejudice; Williams/State Farm	si di
	(nexus); Non-testimony material; Vague as to Time;	endano
	Argumentative	2 Warative
95:3-95:3	Irrelevant; Unfair Prejudice; Williams/State Farm	Carlons
	(nexus); Vague as to Time; Asked and Answered	Suran
95:5-9	Irrelevant; Unfair Prejudice; Williams/State Farm	Sustance
	(nexus); Vague as to Time; Asked and Answered	sur, nine
96:2-7	Irrelevant; Unfair Prejudice; Post-1987	gulvanu
96:25-97:12	No objection	
97:22-98:12	No objection	
99:4-100:8	No objection	
100:10-16	No objection	
101:7-20	No objection	
102:1-103:17	No objection	
104:2-104:2	No objection	
104:6-104:6	No objection	
105:1-14	No objection	<u> </u>
105:17-21	No objection	
105:22-106:14	No objection	
107:15-18	Irrelevant; Document speaks for itself;	
	Mischaracterizes document; Unfair Prejudice; Design	6
	Defect No Longer At Issue In This Case; Asked and	sustaine
	Answered	200 1201142
107:21-108:2	Irrelevant; Document speaks for itself;	
	Mischaracterizes document; Unfair Prejudice; Design	1
	Defect No Longer At Issue In This Case; Asked and	sustaine
	Answered	
108:4-108:4	Irrelevant; Document speaks for itself;	
	Mischaracterizes document; Unfair Prejudice; Design	
	Defect No Longer At Issue In This Case; Asked and	SUNAIN
100 0 16	Answered	
108:7-16	Irrelevant; Document speaks for itself;	sustain.
	Mischaracterizes document; Unfair Prejudice; Design	
	Defect No Longer At Issue In This Case; Asked and	8UNAIN
100 10 100 4	Answered	1
108:19-109:4	Irrelevant; Document speaks for itself; Mischaracterizes document; Unfair Prejudice; Design	
•	Defect No Longer At Issue In This Case; Asked and	0
		Susame
109:6-20	Answered Irrelevant; Unfair Prejudice; Williams/State Farm;	sustame sustame
109:0-20	Design Defect No Longer At Issue In This Case;	1-11
	Asked and Answered	JUSTA ME
110:15-112:5	No objection	
110:13-112:3	No objection 3	L

		Defendant's.Objections	Court's Ruling
1	MESUMONY ASSESSMENT	Defending Dr. James Figlar, 6/8/2011((Vol.1))	· 等 沒 有 · 2 · 4 · 3 · 14 · 14 · 14 · 14 · 14
2	112:15-113:8	Irrelevant; Unfair Prejudice; Williams/State Farm; Cumulative; Speculative	Sustained
3	113:11-114:21	Irrelevant; Unfair Prejudice; Williams/State Farm; Cumulative; Document speaks for itself	8 uslained
4	116:4-18	Irrelevant; Unfair Prejudice; Williams/State Farm; Cumulative	Sustained
5	116:20-22	Irrelevant; Unfair Prejudice; Williams/State Farm; Cumulative	sustained
6	116:25-116:25	Irrelevant; Incomplete Designation; Counsel testifying; Unfair Prejudice; Williams/State Farm; Cumulative; Asked and Answered	sustained
7 8	117:2-3	Irrelevant; Unfair Prejudice; Williams/State Farm; Cumulative; Asked and Answered	sustained
9	122:22-123:5 124:3-125:14	No objection No objection	
	126:4-129:10	No objection	
10	131:7-132:4	No objection	
11	139:5-14	Irrelevant; Unfair Prejudice; Williams/State Farm (Nexus); First amendment; Document speaks for itself; Hearsay; Bad conduct evidence	overruled
12	139:16-141:11	Irrelevant; Unfair Prejudice; Williams/State Farm; First amendment; Hearsay; Bad conduct evidence	overruled
13 14	141:17-142:25	Irrelevant; Unfair Prejudice; Williams/State Farm (Nexus); First amendment; Document speaks for itself; Hearsay; Bad conduct evidence	Sustaned
15	143:21-24	Authenticity (document not found in files); Exhibit not related to Defendant; Irrelevant; Unfair Prejudice; Williams/State Farm (Nexus); First Amendment	
16		(advertising; Freedom to Petition); Bad conduct evidence; No high-ranking official	Sustained
17 18	144:4-5	Authenticity (document not found in files); Exhibit not related to Defendant; Irrelevant; Unfair Prejudice; Williams/State Farm (Nexus); First Amendment	
19		(advertising; Freedom to Petition); Bad conduct evidence; No high-ranking official from Reynolds	sustaned
20	144:7-9	Authenticity (document not found in files); Exhibit not related to Defendant; Irrelevant; Unfair Prejudice;	
21		Williams/State Farm (Nexus); First Amendment (advertising; Freedom to Petition); Bad conduct evidence; No high-ranking official from Reynolds	Sustained
22	144:11-21	Authenticity (document not found in files); Exhibit not related to Defendant; Irrelevant; Unfair Prejudice;	
2324		Williams/State Farm (Nexus); First Amendment (advertising; Freedom to Petition); Bad conduct evidence; No high-ranking official from Reynolds	sustained
25	145:8-11	Irrelevant; Unfair Prejudice; Williams/State Farm (Nexus); First Amendment (advertising; Freedom to	
26		Petition); Bad conduct evidence; Misleading; Speculative; Lacks foundation; No high-ranking official from Reynolds	sustained
27		4	

Lesumony was	Defendant's Objections	Commission of the Commission o
	Authenticity (document not found in files); Exhibit	THE CONTRACTOR OF THE PARTY.
145:13-14	not related to Defendant; Irrelevant; Unfair Prejudice;	
	not related to Defendant, irrelevant, Offiair Frejudice,	
	Williams/State Farm (Nexus); First Amendment	
	(advertising; Freedom to Petition); Lacks foundation;	Sustance
	Bad conduct evidence; No high-ranking official from	Sumurnee
	Reynolds	
145:19-24	Authenticity (document not found in files); Exhibit	
	not related to Defendant; Irrelevant; Unfair Prejudice;	
	Williams/State Farm (Nexus); First Amendment	A
	(advertising; Freedom to Petition); Bad conduct	Sustaine
		2 Mariance
146 0 140 3	evidence; No high-ranking official from Reynolds	
146:3-148:1	Authenticity (document not found in files); Exhibit	
	not related to Defendant; Irrelevant; Unfair Prejudice;	
	Williams/State Farm (Nexus); First Amendment	4998
	(advertising; Freedom to Petition); Bad conduct	sustaine
	evidence; No high-ranking official from Reynolds	a 00 , 00, 00
148:4-5	Authenticity (document not found in files); Exhibit	
	not related to Defendant; Irrelevant; Unfair Prejudice;	
	Williams/State Farm (Nexus); First Amendment	į.
	(advertising; Freedom to Petition); Bad conduct	sustaine
	evidence; No high-ranking official from Reynolds	Sustaine
152:9-21	Authenticity (not an RJR document); Irrelevant;	
132:9-21		
	Unfair Prejudice; Williams/State Farm (Nexus), First	
	Amendment (advertising; Freedom to Petition); Bad	,
	conduct evidence; Hearsay; Document speaks for	Sustance
	itself	
153:4-154:8	Authenticity (not an RJR document); Irrelevant;	•
	Unfair Prejudice; Cumulative; Williams/State Farm	
	(Nexus), First Amendment (advertising; Freedom to	than
	Petition); Bad conduct evidence; Hearsay; Document	Sustance
	speaks for itself	8 WINCINE
154:23-155:23	Authenticity (not an RJR document); Irrelevant;	
134:23-133.23	Unfair Prejudice; Cumulative; Williams/State Farm	
	On air Prejudice; Cumulative; Williams/State Faim	
	(Nexus), First Amendment (advertising; Freedom to	
	Petition); Bad conduct evidence; Hearsay; Document	Sustaine
	speaks for itself	
156:2-17	Authenticity (not an RJR document); Irrelevant;	
	Unfair Prejudice; Cumulative; Williams/State Farm	
	(Nexus), First Amendment (advertising; Freedom to	
	Petition); Bad conduct evidence; Hearsay; Document	- 6
	speaks for itself; Meaning or Intent of Company	Sustaine.
	Documents	
156:19-22	Irrelevant: Lack of Foundation; Misstates evidence;	ý.
130.19-22	Misleading; Unfair Prejudice	1 SUNAINE
156:24-157:5	Irrelevant; Lack of Foundation; Misstates evidence;	6
130:24-137:3		SILMANO
150 5 15	Misleading; Unfair Prejudice	000000000000000000000000000000000000000
158:7-17	Irrelevant; Unfair Prejudice; Cumulative;	Sustaine
	Williams/State Farm (Nexus), First Amendment	
	(advertising; Freedom to Petition); Bad conduct	Culabano
ll .	evidence; Hearsay; Document speaks for itself	1 OULINIVE

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Testimony 🔊 🗷	Defendant's Objections	(Court's Ruling
	Dr. James Riglar, 16/8/2011 ((Vol. 11)	
158:20-159:3	Irrelevant; Unfair Prejudice; Cumulative;	
	Williams/State Farm (Nexus), First Amendment	_ 0
	(advertising; Freedom to Petition); Bad conduct	Sustained
	evidence; Hearsay; Document speaks for itself	000000000000000000000000000000000000000
159:14-159:24	Irrelevant; Unfair Prejudice; Cumulative;	
	Williams/State Farm (Nexus), First Amendment	6
	(advertising; Freedom to Petition); Bad conduct	systame
	evidence; Hearsay; Document speaks for itself	3 Oslowice
150-25-162-3	No objection	1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1
159:25-162:3 166:21-167:14	Irrelevant; Unfair Prejudice; Cumulative;	
100.21-107.14	Williams/State Farm (Nexus), First Amendment	
		D .
·	(advertising); Bad conduct evidence; Hearsay;	sustaine
	Document speaks for itself	
169:24-171:19	Irrelevant; Unfair Prejudice; Cumulative;	
	Williams/State Farm (Nexus), First Amendment	A
	(advertising); Bad conduct evidence; Hearsay;	sustame
	Document speaks for itself	000000000000000000000000000000000000000
173:3-18	Irrelevant; Unfair Prejudice; Foundation;	l o a la la como de la
,	Williams/State Farm (nexus)	Sustance
174:2-13	Irrelevant; Unfair Prejudice; Foundation;	1
1	Williams/State Farm (nexus); Speculative	Surance
178:14-179:1	Authenticity (not clean copy); Irrelevant; Unfair	
170,17-177,1	Prejudice; Williams/State Farm; First Amendment;	
	Bad conduct evidence; Cumulative	Sustaine
179:6-180:1	Irrelevant; Unfair Prejudice; Cumulative;	
179:0-180:1	William Grant France, Dad and date or idense.	
	Williams/State Farm; Bad conduct evidence;	
	Hearsay; Hearsay within Hearsay; Unsegregated	Sustaine
	Aggregate Harm	
180:5-22	Irrelevant; Unfair Prejudice; Cumulative;	
•	Williams/State Farm; Bad conduct evidence;	/
	Document speaks for itself; Hearsay; Hearsay within	Sustaine
	Hearsay; Unsegregated Aggregate Harm	3007,001100
187:18-24	Irrelevant; Unfair Prejudice; Hearsay; Document	,
	speaks for itself; First Amendment (advertising;	^
	Freedom to Petition); Williams/State Farm (nexus);	Sustame
	Unsegregated Aggregate Harm	1 OUD AIVE
188:24-190:1	Irrelevant; Unfair Prejudice; Hearsay; Document	
100.21 170.1	speaks for itself; First Amendment (advertising;	Λ.
	Freedom to Petition); Williams/State Farm (nexus);	Sustaine
	Unsegregated Aggregate Harm	18 Wia wee
190:8-191:5	Irrelevant; Unfair Prejudice; Hearsay; Document	
190:8-191:5		
	speaks for itself; First Amendment (advertising;	
	Freedom to Petition); Speculative; Williams/State	L ~
	Farm (nexus); Unsegregated Aggregate Harm;	sustaine
	Meaning or Intent of Company Documents	
191:7-24	Irrelevant; Unfair Prejudice; Mischaracterizes	
	evidence; Argumentative; Counsel testifying;	
	Williams/State Farm (Freedom to Petition);	4666
1	Speculative; Unsegregated Aggregate Harm;	Justames
	Dettained and Property	
	Meaning or Intent of Company Documents	000000000000000000000000000000000000000

. 1	Testimony Testimony	Defendant's Objections	Court's Ruling
1		Dr. James Figlar 16/8/2011 (Vol.11)	A decision of the second
	192:12-15	Irrelevant: Unfair Prejudice; Mischaracterizes	
2		evidence; Argumentative; Counsel testifying;	
,		Williams/State Farm (Freedom to Petition);	Sustained
3		Unsegregated Aggregate Harm	
,	192:17-23	Irrelevant; Unfair Prejudice; Mischaracterizes	
4		evidence; Argumentative; Counsel testifying;	A A
ا ہ		Williams/State Farm (Freedom to Petition);	Sustained
5		Unsegregated Aggregate Harm	3 00 8 11 3 3 7
6	192:25-193:10	Irrelevant; Unfair Prejudice; Mischaracterizes	·
0		evidence; Argumentative; Counsel testifying;	
7		Williams/State Farm (Freedom to Petition);	Sustained
_ ′		Unsegregated Aggregate Harm	2002 inched
8	193:23-194:1	Irrelevant; Unfair Prejudice; Mischaracterizes	
٥		evidence; Argumentative; Counsel testifying;	
9		Williams/State Farm (Freedom to Petition);	Sustaned
		Unsegregated Aggregate Harm	0003,00
10	195:5-18	Irrelevant; Unfair Prejudice; Counsel testifying;	custamed
10		Argumentative; Williams/State Farm (nexus)	Sustained
11	195:20-196:6	Irrelevant; Unfair Prejudice; Counsel testifying;	
* 1		Argumentative; Williams/State Farm (nexus);	Sustained
12		Unsegregated Aggregate Harm	8 VIVILIVE Q
	217:18-218:13	Irrelevant; Unfair Prejudice; Cumulative;	
13		Williams/State Farm (nexus); Bad conduce evidence;	Sustained
		Unsegregated Aggregate Harm	0003141100
14	219:6-221:4	Irrelevant; Unfair Prejudice; Cumulative;	
		Williams/State Farm (nexus); Counsel testifying;	(-
15		Document speaks for itself; Unsegregated Aggregate	sustancel
	201 7 0	Harm	2000
16	221:7-8	Irrelevant; Unfair Prejudice; Cumulative;	
		Williams/State Farm (nexus); Counsel testifying;	
17		Document speaks for itself; Unsegregated Aggregate Harm	Sustancel
	221:10-14	Irrelevant; Unfair Prejudice; Cumulative;	
18	221.10-14	Williams/State Farm (nexus); Counsel testifying;	
		Document speaks for itself; Unsegregated Aggregate	Sustained
19		Harm	Susamee
20	228:21-230:6	Cumulative; Irrelevant; Unfair Prejudice;	
20	220.21-250.0	Williams/State Farm, Bad conduct evidence;	
21		Meaning or Intent of Company Documents;	
21		Unsegregated Aggregate Harm	Sustained
22	231:10-19	Cumulative; Irrelevant; Unfair Prejudice;	
22		Williams/State Farm, Bad conduct evidence;	6 1 1 1 1 1 1
23		Unsegregated Aggregate Harm	Suranea
20	231:21-232:14	Cumulative; Irrelevant; Unfair Prejudice;	
24		Williams/State Farm, Bad conduct evidence; Post-	1 0 colonia of
- '		1987; Unsegregated Aggregate Harm	JUSIA WEEK
25	232:16-19	Cumulative; Irrelevant; Unfair Prejudice;	
İ		Williams/State Farm, Bad conduct evidence; Post-	Culabornod
26		1987; Unsegregated Aggregate Harm	Juliane
	232:21-23	Cumulative; Irrelevant; Unfair Prejudice;	Justaneel
27		7	

	Testimony	Defendant's Objections	Court's Ruling
1		Dr. James Figlar, 6/8/2011 (Vol. 1)	
		Williams/State Farm, Bad conduct evidence; Post-	Silalana
2		1987; Unsegregated Aggregate Harm	3 VIValvele
_	262:19-24	Vague; Counsel testifying; Irrelevant; Unfair	
3		Prejudice; Argumentative; Unsegregated Aggregate	sustained
,		Harm; Meaning or Intent of Company Documents	Suranea
4	263:7-264:17	Vague; Counsel testifying; Irrelevant; Unfair	
_		Prejudice; Argumentative; Express Preemption (Post-	0
5		July 1, 1969); Post-1987; Unsegregated Aggregate	Sustained
6		Harm	30001010000
6	264:20-264:20	Vague; Counsel testifying; Irrelevant; Unfair	
7		Prejudice; Argumentative; Express Preemption (Post-	n
,		July 1, 1969); Post-1987; Unsegregated Aggregate	sushamed
8		Harm	000710
U	264:23-266:21	Vague; Counsel testifying; Irrelevant; Unfair	
9		Prejudice; Argumentative; Vague; Express	
		Preemption (Post-July 1, 1969), Post-1987;	Custaned
10		Unsegregated Aggregate Harm	
	266:24-267:9	Vague; Counsel testifying; Irrelevant; Unfair	
11		Prejudice; Argumentative; Unsegregated Aggregate	Cu Marsol
• •		Harm	2000 MINER
12	267:13-17	Beyond the scope; Vague; Ambiguous; Speculative;	
		Argumentative; Unfair Prejudice; Unsegregated	I contact and
13		Aggregate Harm	Surraince
	267:19-268:22	Beyond the scope; Vague; Ambiguous; Speculative;	
14		Argumentative; Unfair Prejudice; Williams/State	
		Farm (nexus), Design Defect No Longer At Issue In	Curtar
15		This Case; Unsegregated Aggregate Harm	Surrances
	268:25-269:4	Beyond the scope; Vague; Ambiguous; Speculative;	
16		Argumentative; Unfair Prejudice; Williams/State	
		Farm (nexus), Design Defect No Longer At Issue In	Sustaned
17	260 17 20	This Case; Unsegregated Aggregate Harm	ow rin ive
	269:17-22	Beyond the scope; Vague; Ambiguous; Speculative;	
18		Argumentative; Unfair Prejudice; Williams/State	
		Farm (nexus), Design Defect No Longer At Issue In	Cultury May
19	260.24.270.5	This Case; Unsegregated Aggregate Harm	2001 collect
	269:24-270:5	Beyond the scope; Vague; Ambiguous; Speculative;	
20		Argumentative; Unfair Prejudice; Williams/State	1 . 0
		Farm (nexus), Design Defect No Longer At Issue In	Sustained
21	221.7 272.12	This Case; Unsegregated Aggregate Harm	
22	271:7-272:13 273:2-5	No objection	
22	273:2-3	No objection	
22	273:18-20	No objection	
23	273:18-20	No objection	
24		No objection	
24	275:15-276:22	No objection	
25	277:21-278:6	No objection	
25	278:8-25	No objection	
26	279:3-12	No objection	
20	279:14-280:13	No objection	
27	280:15-21	No objection	
i i	11	8	

	Defendants' W.	Plaintiff's Objections Court's Ruling
	TO A SECURITION OF THE PROPERTY OF THE SECURE	
	Decignations	
- [Dr. James Figlar, 6/8/2011 (Vol. 1)
- {	15:20-16:3	No Objection
	69:19-70:16	No Objection
.	70:18-70:22	No Objection
	100:17-101:6	No Objection
.	129:11-130:3	No Objection
- 1		

9	Testimony		Court's Ruling 🚟 🐇
10	garage agent	す。 ** ** Dr. James Figlar, 6/9/2011 (Vol. 2) ** ** ** ** ** ** ** ** ** ** ** ** **	
10	297:11-23	Irrelevant; Unfair Prejudice; Williams/State Farm	
11		(Nexus); Bad conduct evidence; Design Defect No	Δ Δ
11		Longer At Issue In This Case; Unsegregated	Sustained
12	-	Aggregate Harm	20021001.000
1 2-	299:24-301:23	Irrelevant; Lack of Foundation; Hearsay; Document	
13		speaks for itself; Design Defect No Longer At Issue	Sustained
15		In This Case; Unsegregated Aggregate Harm	3 DOS A IVER
14	302:21-303:13	Irrelevant; Unfair Prejudice; Lack of Foundation;	0.100000
•		Design Defect No Longer At Issue In This Case	everime
15	303:21-304:2	Irrelevant; Lack of Foundation; Argumentative;	
		Document speaks for itself; Misleading;	6 /
16		Mischaracterizes evidence; Design Defect No Longer	Sustameel
		At Issue In This Case	o o o D. De Meet
17	304:4-10	Irrelevant; Lack of Foundation; Argumentative;	[
		Document speaks for itself; Misleading;	
18		Mischaracterizes evidence; Design Defect No Longer	Sustained
1		At Issue In This Case	0000000000
19	304:12-13	Irrelevant; Lack of Foundation; Argumentative;	
		Document speaks for itself; Misleading;	
20		Mischaracterizes evidence; Design Defect No Longer	Sustained
	20061416	At Issue In This Case	
21	306:14-16	No objection	
00	307:10-20	No objection	
22	309:9-14	No objection	
22	309:22-310:5	No objection	
23	310:7-9	Irrelevant; Unfair Prejudice; Asked and Answered	
24	(beginning at	(see 309:22-310:5)	Suraned
24	"R.J. Reynolds")	Irrelevant; Unfair Prejudice; Asked and Answered	1
25	310:11-14	(see 309:22-310:5)	Sucha med
4	310:25-311:2	Irrelevant; Unfair Prejudice; Asked and Answered	0-07:00
26	310.23-311.2	(see 309:22-310:5)	Sustania
	311:4-6	Irrelevant; Unfair Prejudice; Asked and Answered	CI/A/M ON OO
27	J11.4-U		La Mirer Level
	1	0	•

ives cipules		Gourt's Ruling
Lestimony War	Defendant's Objections	
	Dr. James Figlar (6/9/2011 (Vol. 2)	
	(see 309:22-310:5)	
325:21-326:6	Irrelevant; Unfair Prejudice; Williams/State Farm	Sustained
	(nexus); No high-ranking official from Reynolds;	OUT THE ITEM
326:8-327:21	Irrelevant; Unfair Prejudice; Williams/State Farm	
	(nexus); No high-ranking official from Reynolds;	
	Non-testimony material; Foundation; Speculative;	Sustained
	Counsel testifying	3 Con the
329:15-330:12	Irrelevant; Unfair Prejudice; Williams/State Farm	
	(nexus): No high-ranking official from Reynolds;	
	Foundation; Speculative; Unsegregated Aggregate	Sustained
•	Harm	300 Draire
330:15-24	Irrelevant; Unfair Prejudice; Williams/State Farm	
330.13 2	(nexus); No high-ranking official from Reynolds;	Sustanes
	Foundation; Speculative	1 SWIM Med
333:6-13	Irrelevant; Unfair Prejudice; Williams/State Farm	1
61-0.666	(nexus); Express Preemption (Post-July 1, 1969)	Sustained
334:22-335:12	Argumentative; Lack of Foundation; Irrelevant;	
334.22-333:12	Unfair Prejudice; Express Preemption (Post-July 1,	_ ^
		Sustained
225.14.226.0	1969)	
335:14-336:8	Argumentative; Lack of Foundation; Irrelevant;	
	Unfair Prejudice; Express Preemption (Post-July 1,	Sustance
72.77	1969); Unsegregated Aggregate Harm	10 UVIILIVLE
336:10-16	Beyond the scope; Counsel testifying; Speculative;	The state of the s
	Argumentative; Lack of Foundation; Irrelevant;	ž.
	Unfair Prejudice; Express Preemption (Post-July 1,	Susame
	1969)	2 Wrance
336:19-337:4	Beyond the scope; Counsel testifying; Speculative;	
	Argumentative; Lack of Foundation; Irrelevant;	
	Unfair Prejudice; Express Preemption (Post-July 1,	Sustance
	1969); Unsegregated Aggregate Harm	8 W VIII Mee
337:6-338:2	Argumentative; Lack of Foundation; Irrelevant;	
	Unfair Prejudice; Express Preemption (Post-July 1,	
	1969); Unsegregated Aggregate Harm	Sustaine
341:8-12	Asked and Answered	
341:16-19	Asked and Answered	
341:21-22	Asked and Answered	
355:25-356:14	Counsel Commentary; Cumulative; Misstates	
333,43-330,17	evidence; Mischaracterizes Witness Testimony;	
	Argumentative; Irrelevant; Unfair Prejudice; Bad	
	conduct evidence; Lack of Foundation; Post-1987;	Sustained
256.17 257.2	Unsegregated Aggregate Harm	
356:17-357:3	Misstates evidence; Mischaracterizes Witness	Sustained
	Testimony; Argumentative; Irrelevant; Unfair	1 Chalana
	Prejudice; Bad conduct evidence; Lack of Foundation	a War value
361:24-362:4	Speculative; Irrelevant; Unfair Prejudice; Bad	Carlena.
	conduct evidence	Survine
365:19-366:16	Speculative; Irrelevant; Unfair Prejudice; Bad	4
505.15-500.10	conduct evidence; Design Defect No Longer At Issue	1
303.17-300.10	College evidence, Design Defect No Longer At Issue	A A LU M M II I I M MI
303.17-300.10	In This Case; Unsegregated Aggregate Harm	overnued
366:18-20		overruled

Testimony 🗱 🧸	Defendant's Objections	Court's Ruling
	Dr. James Figlar, 6/9/2011 (Vol. 12)	
The state of the s	conduct evidence; Design Defect No Longer At Issue	
	In This Case	
367:13-370:14	Irrelevant; Unfair Prejudice; Bad conduct evidence;	
307.113 370.11	Cumulative; Hearsay; Document speaks for itself;	
	Argumentative; Williams/State Farm (Nexus);	
	Express Preemption (Post-July 1, 1969);	Sustance
	Unsegregated Aggregate Harm	SUNNEMER
372:19-373:14	Irrelevant; Unfair Prejudice; Bad conduct evidence;	
3/2:19-3/3:14	Compulation Harrow Dommant snacks for itself	
	Cumulative; Hearsay; Document speaks for itself;	ê
	Argumentative; Williams/State Farm (Nexus);	sustaine
	Express Preemption (Post-July 1, 1969)	200.000
373:16-374:16	Irrelevant; Unfair Prejudice; Bad conduct evidence;	
	Cumulative; Hearsay; Document speaks for itself;	£
	Argumentative; Williams/State Farm (Nexus);	Sustane
	Express Preemption (Post-July 1, 1969)	0 000 1001,00
374:18-377:2	Improper designation	Surame
377:14-23	Irrelevant; Unfair Prejudice; Beyond the scope;	
, ,	Document speaks for itself; Bad conduct evidence;	
	Express Preemption (Post-July 1, 1969);	
	Unsegregated Aggregate Harm;	Sustane
378:1-3	Irrelevant; Unfair Prejudice; Beyond the scope;	
3/6:1-3	Decreased and for itself. Ded conduct evidence:	
	Document speaks for itself; Bad conduct evidence;	Sustan
~	Express Preemption (Post-July 1, 1969);	
378:6-21	Misstates and mischaracterizes evidence;	
	Argumentative; Irrelevant; Unfair Prejudice;	
	Hearsay; Document speaks for itself; Incomplete	Surane
	Designation; Express Preemption (Post-July 1, 1969)	Someme
378:23-379:24	Lack of Foundation; Irrelevant; Unfair Prejudice;	
	Express Preemption (Post-July 1, 1969);	
	Unsegregated Aggregate Harm	Sustane
385:14-18	No objection	
388:18-389:16	No objection	
391:1-11	Irrelevant; Cumulative; Asked and Answered (see	į.
11.11.00	24:9-13); Unfair Prejudice	Sustance
391:23-393:20		
371.23-373.20	Irrelevant; Unfair Prejudice; Williams/State Farm	
	(Nexus); First Amendment (advertising; Freedom to	<i>(</i>
	Petition); Document speaks for itself; Bad conduct	Caldala
	evidence; Unsegregated Aggregate Harm	2 NON MINE
397:20-398:11	Irrelevant; Unfair Prejudice; First Amendment	
	(advertising); Bad conduct evidence; Document	
	speaks for itself; Express Preemption (Post-July 1,	6.11
	1969)	>UNA Me
400:9-401:7	Cumulative; Irrelevant; Unfair Prejudice; First	
(beginning at "It	amendment (advertising); Speculative; Express	
was")	Preemption (Post-July 1, 1969); Meaning or Intent of	0 1
·~ ,	Company Documents	surrane
406:20-407:20	Irrelevant; Cumulative; Vague; Misleading; Unfair	Sustaine Sustaine Sustaine
700.20-707.20		SUMMANO
175.12.25	Prejudice; Speculative	- AUTOUNG
425:13-25	No objection	
426:5-17	No objection	1

Testimony !!	Defendant's Objections &	
427:11-429:5	No objection	
430:24-431:11	No objection	
432:11-433:15	No objection	
437:18-437:24	Irrelevant; Unfair Prejudice; Williams/State Farm; Argumentative; Outside Scope; Express Preemption (Post-July 1, 1969); Design Defect No Longer At Issue In This Case; Non-Lung Cancer Conditions (Addiction)	overruled
437:25-438:10	No objection	

Defendants Counter	Plaintiff's Objections of the Court's Ruling of the Court of the
rough approved a sufficient	Dr. James Figlar, 6/9/2011 (Vol. 2)
439:23-440:9 442:5-442:25	No objection No objection.

12	Testimony	Defendant's Objections	Court's Ruling
13		Dr. James Figlar, 6/10/2011 (Vol. 3)	A STATE OF THE STA
	612:7-613:6	Beyond the scope; Irrelevant; Unfair Prejudice;	ė.
14		Confusion; Speculative; Unsegregated Aggregate	Cuyyulad
		Harm	Goldman
15	613:8-13	Beyond the scope; Irrelevant; Unfair Prejudice;	
		Confusion; Speculative; Incomplete Designation;	overruled
16		Unsegregated Aggregate Harm	
	613:15-17	Beyond the scope; Irrelevant; Unfair Prejudice	Sustainea
17	614:13-615:11	Beyond the scope; Irrelevant; Unfair Prejudice;	Cultural
	(04.0.00	Unsegregated Aggregate Harm	3 WI Week
18	624:8-22	Irrelevant; Unfair Prejudice; Document speaks for	f.
19		itself; No high-ranking official from Reynolds; Cumulative; Unsegregated Aggregate Harm	Susaned
19	625:1-15	Irrelevant; Unfair Prejudice; Document speaks for	
20	023:1-13	itself; No high-ranking official from Reynolds;	
20		Cumulative; Incomplete Designation; Unsegregated	
21		Aggregate Harm	Sustained
	630:24-631:15	Irrelevant; Unfair Prejudice; First Amendment;	
22		Document speaks for itself; Asked and Answered	
		(see 629:03-630:01); Cumulative; Unsegregated	Surlaned
23		Aggregate Harm	yourver
, .	633:12-634:22	Irrelevant; Unfair Prejudice; First Amendment;	
24		Document speaks for itself, Asked and Answered	
		(see 629:03-630:01); Cumulative; Unsegregated	Sustaned
25		Aggregate Harm	300,000
36	657:20-661:4	Irrelevant; Unfair Prejudice; Speculative; Vague;	
26		Calls for Legal Conclusion; Beyond the scope;	Suraned
27		Express Preemption; Cumulative; Unsegregated	
21		12	

	Di. James Figlar, 6/10/2011 (Vol. 3)	
	Aggregate Harm	
661;9-25	Irrelevant; Unfair Prejudice; Beyond the scope;	sustained
	Unsegregated Aggregate Harm	30VIUCI GO
662:8-14	Irrelevant; Unfair Prejudice; Beyond the scope;	
	Speculative; Cumulative; Unsegregated Aggregate	Culano
	Harm	8008 KINGE
664:5-8	Irrelevant; Unfair Prejudice; Vague; Beyond the	Calabasia
	scope; Unsegregated Aggregate Harm	Sustame
677:15-24	Irrelevant; Unfair Prejudice; First Amendment	,
	(advertising); Document speaks for itself; Calls for a	Carolina
	legal conclusion	8 VVI ame
709:4-13	Irrelevant; Unfair Prejudice; Vague, Beyond the	
	scope; Cumulative; Asked and Answered	Sus ame
711:17-20	Irrelevant; Unfair Prejudice; Vague; Beyond the	1 - 1 - 1 - 1
	scope; Cumulative; Asked and Answered	Suran
711:23-24	Irrelevant; Unfair Prejudice; Beyond the scope;	
	Cumulative; Asked and Answered	SUSTER
720:20-721:15	No objection	11000
733:13-736:5	Irrelevant; Unfair Prejudice; Confusion; Inflame;	0. 1-1
	Foundation; Document speaks for itself	SUSTAM
736:13-737:7	Irrelevant; Unfair Prejudice; Confusion; Inflame;	
	Foundation; Document speaks for itself; Vague	Survan
738:10-16	Irrelevant; Unfair Prejudice; Confusion; Inflame;	
	Foundation; Calls for Legal Conclusion; Cumulative;	
	Speculative; Meaning or Intent of Company	Sustain
	Documents	SOSPICIO
739:1-10	Irrelevant; Unfair Prejudice; Confusion; Vague;	
	Inflame; Foundation; Calls for Legal Conclusion;	Carlana
	Cumulative	Surrame
739:24-740:14	Irrelevant; Unfair Prejudice; Foundation; Document	Contract of the same
	speaks for itself	Sunam
741:3-18	Irrelevant; Unfair Prejudice; Foundation; Document	guiness,
	speaks for itself;	Survain
741:19-22	Improper Designation	Suran
741:24-742:5	Irrelevant; Unfair Prejudice; Foundation; Document	
	speaks for itself;	Suram
743:4-745:22	Irrelevant; Unfair Prejudice; Foundation; Document	
	speaks for itself; Meaning or Intent of Company	Del Jana
	Documents	SUNAM

Defendants?	Plaintiff's Objections	Court's Ruling
Counter		
Designations		The state of the s
The August of the Control of the Con	## #Dr. James Figlar, 8/15/2011 (Vol. 6)	ne broke state of the state of
1308:15-1309:20	No Objection	
1311:9-1314:6	No Objection	****
1314:12-1314:19	No Objection	
1315:1-1315:9	No Objection	
1315:18-1316:5 1316:7-1316:19	No Objection No Objection	
1316:21-1317:5	No Objection	
1320:21-1317:3	Irrelevant, unfairly prejudicial (403)	ONEMANNI.
1320.2-1320.23	Irrelevant, unanty prejudician (405) Irrelevant, vague, ambiguous, post-1987 evidence,	
1321:3-1321:17	lacking in foundation, unfairly prejudicial (403)	Qualdhe
1361.7-1361.17	Irrelevant, vague, ambiguous, post-1987 evidence,	1
1321:19-1322:14	lacking in foundation, unfairly prejudicial (403)	Sus value
	Irrelevant, vague, ambiguous, post-1987 evidence,	1
1322:16-1322:23	lacking in foundation, unfairly prejudicial (403)	Sustane
	Irrelevant, vague, ambiguous, post-1987 evidence,	, ou
1324:7-1324:10	lacking in foundation, unfairly prejudicial (403)	Sustance
	Irrelevant, vague, ambiguous, post-1987 evidence,	
1324:12-1324:12	lacking in foundation, unfairly prejudicial (403)	Sustain
	Irrelevant, post-1987 evidence, unfairly prejudicial	
1325:3-1325:5	(403)	Sustane
	Irrelevant, post-1987 evidence, unfairly prejudicial	Cara Lanni.
1325:7-1325:17	(403)	Ourrame
1205.10 1205.01	Irrelevant, post-1987 evidence, unfairly prejudicial	Sur bance
1325:19-1325:21	(403) Irrelevant, post-1987 evidence, unfairly prejudicial	- July - and
1326:2-1326:6	(403)	oustaine
1320.2*1320.0	Irrelevant, post-1987 evidence, unfairly prejudicial	
1326:9-1326:9	(403)	Sturaine
	Irrelevant, post-1987 evidence, unfairly prejudicial	1.
1326:11-1326:14	(403)	Justaine
	Vague, ambiguous, irrelevant, unfairly prejudicial	1
1356:23-1357:1	(403), post-1987 evidence.	werme
	Vague, ambiguous, irrelevant, unfairly prejudicial	
1357:3-1357:4	(403), post-1987 evidence.	overrul
1357:17-1357:20	Design evidence, irrelevant, unfairly prejudicial (403)	Sustance
1357:22-1358:17	Design evidence, irrelevant, unfairly prejudicial (403)	SUS FOR MER
1358:19-1359:24	No Objection	
1360:1-1360:9	No Objection	
1360:11-1360:25	No Objection	
1361:8-1362:23	No Objection	
1363:2-1363:4	No Objection	
1363:6-1363:13	No Objection	
1370:22-1371:1	No Objection	
1371:3-1371:20 1371:22-1372:1	No Objection	
1371:22-1372:1	No Objection No Objection	
15/0.10-15/0.21	14	

Defe	ndants' iter	Plaintiff's Objections	Court's Ruling
Cour	iter with the same	HOTELE STATE OF THE STATE OF THE SECRETARY	
Desig	gnations	Dr. James Figlar, 8/15/2011 (Vol. 6)	
	:11-1377:17	No Objection	The same of the sa
	:3-1378:6	No Objection	
	:8-1378:9	No Objection	
	:11-1379:14	No Objection	
	:16-1380:4	No Objection	
	:6-1380:11	No Objection	
	:13-1380:13	No Objection	
	:15-1384:7	No Objection	
	:9-1384:16	No Objection	
	:18-1385:4	No Objection	
	:6-1386:6	No Objection	
	:8-1386:14	No Objection	
	:16-1386:25	No Objection	
 	:2-1387:17	No Objection	
113	:19-1387:23	No Objection	
	:15-1388:19	No Objection	
	:23-1389:9	No Objection	
	:10-1389:25	No Objection	
	:10-1390:13	No Objection	4.
114	:15-1391:4	No Objection	
	:6-1391:23	No Objection	
	:25-1391:25	No Objection	
	:2-1392:3	No Objection	
	:5-1392:22	No Objection	
	:24-1393:7	No Objection	
14	:9-1393:15	No Objection	
14	:17-1393:24	No Objection	
1394	:1-1394:8	No Objection	
1394	:10-1394:14	No Objection	
	:16-1395:5	No Objection	
	:7-1395:16	No Objection	
	:18-1395:18	No Objection	
	:3-1463:22	No Objection	
	:24-1463:24	No Objection	
1465	:5-1465:6	No Objection	
	:9-1465:25	No Objection	
114	:3-1466:3	No Objection	
	:5-1466:25	No Objection	<u> </u>
	:3-1467:4	No Objection	
	:6-1467:10	No Objection	
	:12-1467:23	No Objection	
	:25-1468:1	No Objection	
1468	:3-1469:13	No Objection	
	:15-1469:20	No Objection	
	:22-1469:23	No Objection	
	:25-1470:2	No Objection	
	:4-1470:5	No Objection	

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	Defendants'	Plaintiff's Objections! Court's Ruling
I	Counter. Designations	高。
٠ ا	Designations 5.4.	
2	ing the spin of the second	Dr. James Figlar, 8/15/2011 (Vol. 6)
3	1473:21-1474:1	No Objection
	1474:3-1474:9	No Objection
4	1474:11-1475:12	No Objection
	1475:14-1476:12	No Objection
5	1476:14-1477:22	No Objection
	1478:3-1479:2	No Objection
6	1479:4-1479:14	No Objection
	1525:2-1526:3	No Objection
7	1526:11-1526:13	No Objection
/	1526:15-1526:19	No Objection
8	1526:21-1527:6	No Objection
0	1527:9-1528:4	No Objection
9	1528:6-1528:21	No Objection
	1528:23-1529:14	No Objection
10	1529:16-1530:8	No Objection
	1530:10-1530:14	No Objection
11		

Defendant's Objections Court's Ruling Testimony ... Dr. James Figlar, 8/16/2011 (Vol. 7) 4.4 4 5 13 Irrelevant; Unfair Prejudice; Cumulative; 1643:13-1645:15 Speculative: Leading: Mischaracterizes Witness 14 Testimony; Argumentative Irrelevant; Unfair Prejudice; Williams/State Farm; 1646:15-25 15 Cumulative; Mischaracterizes Witness Testimony; Argumentative Irrelevant; Unfair Prejudice; Williams/State Farm; 16 1647:02-1648:16 Cumulative; Mischaracterizes Witness Testimony; 17 Argumentative Irrelevant; Unfair Prejudice; Williams/State Farm; 1648:18-24 18 Cumulative; Mischaracterizes Witness Testimony; Argumentative 19 1649:01-1649:01 Irrelevant; Unfair Prejudice; Williams/State Farm; Cumulative; Mischaracterizes Witness Testimony; 20 Argumentative; 1651:09-19 Irrelevant; Unfair Prejudice; Hearsay; Williams/State 21 Farm; Cumulative; Mischaracterizes Witness Testimony; Argumentative; Unsegregated Aggregate 22 Harm 1674:21-1675:14 Irrelevant: Unfair Prejudice; Cumulative; 23 Williams/State Farm; Argumentative; Asked and Answered; First Amendment; Vague Irrelevant; Unfair Prejudice; Cumulative; 24 1675:16-17 Williams/State Farm; Argumentative; Asked and 25 Answered; First Amendment; Vague Irrelevant; Unfair Prejudice; First Amendment; 1702:2-1703:5 26 Express Preemption (Post-July 1, 1969) Irrelevant; Unfair Prejudice; First Amendment; 1703:7-1704:6 27

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,	Testimony Defendant's Objections (Court's Rulin	7
1	Dr. James Riglar, 8/16/2011 (Vol. 7)	
2	Express Preemption (Post-July 1, 1969)	
3	Express Preemption (Post-July 1, 1969)	Leey)
ļ!		IVEE .
4	4	
5	IT IS SO ORDERED.	
6	6	
7	7 Dated: January <u>28</u> , 2016.	
8	8	
9	9	
10		
11	PHYLLIS J. HAMILTON	
12	Omled States District Judge	
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CASE NO. C 04-01221-PJH-JCS